IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2454 OF 2003
IN
SUIT NO.2463 OF 2002

Yusuf Sara ....Plaintiff
V/s.
A.G. Group of Companies & Ors. ....Defendants

Ms.Ansari i/b Mr.S.R. Saudagar for the Plaintiff.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH NOVEMBER, 2005.

P.C. :

1. This Notice of Motion seeks an order of attachment before judgment. The suit is filed to recover an amount of about Rs.1,06,000/-. The only averment in the affidavit in support of the Notice of Motion is that the Defendants are indebted and that the Defendants "are in a position to run away without paying the creditors". There are no particulars as required under Order 38 Rule 5 of the C.P.C. There is not even an averment that the Defendants are in fact trying to alienate any particular property.

2. In the circumstances, even though there is no affidavit in reply, no case for attachment before judgment is made out. The Plaintiff will be at liberty to file a fresh Notice of Motion in case necessary particulars are furnished.

3. In the circumstances, the Notice of Motion is

dismissed.